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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) CR No.: 3-07-70098 MEJ

14)
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME

17 JAMES VILLAREAL,)

18 Defendant.)

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21 On March 5, 2007, the parties in this case appeared before the Court for a preliminary
22 hearing. At that time, the parties requested and the Court agreed to continue the hearing to
23 March 21, 2007. The parties further stipulated that pursuant to Federal Rule of Criminal
24 Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from March 5,
25 2007, to and including March 21, 2007. The parties agree that – taking into account the public
26 interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant
27 also agrees to exclude for this period of time any time limits applicable under Title 18, United
28 States Code, Section 3161. The parties represented that granting the continuance was the

1 reasonable time necessary for continuity of defense counsel and effective preparation of defense
2 counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).
3 The parties also agreed that the ends of justice served by granting such a continuance
4 outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §
5 3161(h)(8)(A).

6 SO STIPULATED:

7 SCOTT N. SCHOOLS
Interim United States Attorney

8 /s/ Derek Owens

9 DATED: 3/12/2007

10 DEREK OWENS
Special Assistant United States Attorney

11 /s/ Geoff Hansen

12 DATED: 3/15/2007

13 GEOFF HANSEN
Federal Public Defender

14 For the reasons stated above, the Court finds that an exclusion of time from March 5, 2007,
15 to and including March 21, 2007, is warranted and that the ends of justice served by the
16 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18
17 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would
18 deny Mr. Villareal continuity of counsel and would deny defense counsel the reasonable time
19 necessary for effective preparation, taking into account the exercise of due diligence, and would
20 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

21 SO ORDERED.

22 DATED: March 16, 2007

23 THE HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge

